

North Little Rock Board of Adjustment

Minutes

October 25, 2018

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:30 P.M. in the Planning Office (Conference Room B).

Members Present

Mike Abele
Tom Brown
Tim Giattina
Carl Jackson
Steve Sparr

Members Absent

None

Staff Present

Shawn Spencer, Planning Director
Tim Reavis, City Planner
Donna James, City Planner
B.J.Jones, Administrative Secretary

Others Present

Amy Fields, City Attorney Office
Mike Mosley, City Attorney Office
Rodger Greene, City Building Official
Bryan & Susan Stewart, 1440 Rockwater Ln, NLR, AR
Zack Dennis, 3021 E. Broadway, NLR, AR

Administrative

Introduce new City Planner, Donna James.

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting in July. Mr. Giattina seconded the motion and there was no dissent.

Old Business

None

New Business

1. **BOA Case #2018-11** To allow a 7' x 34' accessory structure in the side yard of a residential house 2' from the property line and 2' from the primary structure at property located at 1440 Rockwater Ln.

Chairman Jackson swore in the applicants.

Mr. Reavis referred the Board to their packet for pictures and drawings, as there is no video for this case.

Chairman Jackson asked the applicant to state a hardship for their request.

Mr. Stewart replied that the requested structure would give a better indication of where one needed to enter the home. He explained the entrance is obscure due to the way the home is situated because of being adjacent to the bike trail. He added he had spoken to the Fire Marshal regarding the requested setbacks and they had no objections to the applicant's request.

Mr. Brown noted that the hardship is not a manmade inconvenience so he is asking the applicant to state a real hardship.

Chairman Jackson reiterated the need of a hardship to grant a variance.

Mrs. Stewart explained that she was told a ten-foot setback was required and there is not enough room for that so she needs a variance.

Mr. Brown acknowledged he understood the problem but the owners had built the house that large on the lot, not leaving space for the requested structure and they would still need a valid hardship to get a waiver of city requirements.

Chairman Jackson asked if any safety requirements necessitated the request for a variance.

Mr. Brown asked if the request for the structure is just for looks.

Mrs. Stewart replied that it is more than aesthetics, explaining that people cannot find the entrance and they are trying to make it more obvious.

Mr. Brown asked the City Planner to read the definition of a hardship.

Mr. Spencer read that the hardship should be unique to the property and must not be created by the owner

Mrs. Stewart suggested this request would not have been a problem if it had been built at the same time the house was built.

Mr. Spencer responded that a permit could not have been issued for the location of the requested structure at that time either.

Mr. Brown suggested they could have originally placed the front door where the garage is located but had chosen not to do so.

Mr. Sparr noted that most of the homes in that area have an entrance on the side.

Mr. Spencer added that the developer had platted narrower lots than normal and allowed larger homes to be placed on those narrower lots.

Mrs. Stewart stated she is looking for some help.

Mr. Brown replied that the Board is trying to help and is here to assist her.

Mr. Giattina explained that the City ordinances must be adhered to as well.

Mr. Sparr noted that the request did not create a safety issue and the Fire Marshal had no objections to the request.

Mr. Reavis confirmed that Fire had no objections to the applicant's request.

Mrs. Stewart added that the neighbors agreed it would be a lovely addition.

Chairman Jackson asked for staff recommendations.

Mr. Brown read staff comments from the Board's packet on the case, stating staff considered the request a matter of convenience. Staff noted that the neighborhood lots are proportioned differently with a large portion allotted for the primary structure. This is all a result of the developer making smaller lots to be able to sell more lots.

Mr. Sparr asked the applicants if they just wanted the structure rather than having a valid hardship.

Mr. Brown asked for a yes or no answer.

Mr. Stewart replied in the affirmative.

Mr. Sparr reiterated that there is no safety issue created and the neighbors do not mind the addition.

Chairman Jackson asked if there is any more discussion.

Mr. Brown stated that the applicant has no hardship but simply wants to build the requested structure.

Mr. Stewart replied in the affirmative.

Mr. Sparr formed a motion to grant the applicant's request.

Mr. Giattina seconded the motion and it passed with four affirmative votes. Chairman Jackson cast the one opposing vote.

2. **BOA Case #2018-12** To allow a 6 ½ foot front yard retaining wall at property located at 3205 Lakeview Rd.

Chairman Jackson swore in the applicant, Zack Dennis, who is a contractor working for the builder of the home at 3205 Lakeview Rd.

Mr. Dennis explained that a section had been cut from a rock wall to pour a driveway at a reasonable slope necessitating a retaining wall to stop any cave in.

Chairman Jackson asked if the wall had already been built.

Mr. Dennis replied in the affirmative and elaborated that it has been partially built but has not been finished. He explained that he had built wall he could legally to meet the three foot limitations of the City.

Mr. Spencer explained that some parts of the retaining wall would need to be higher than City requirements allowed, necessitating the application for a variance.

There was additional discussion regarding the passing of the homeowner.

Mr. Giattina formed a motion to approve the applicant's request.

Mr. Sparr seconded the motion and it was passed with a unanimous vote.

Mr. Greene added that he needed to see engineered drawings and plans for the retaining wall.

Mr. Spencer added that the plans would be part of the permitting process for the wall.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Giattina moved for the Board to adjourn at 1:50pm.

Mr. Brown seconded the motion and there was no dissent.

PASSED: 2/28/2019 RESPECTFULLY SUBMITTED:



CARL JACKSON, CHAIRMAN